

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PEIERLS FOUNDATION, INC. and
E. JEFFREY PEIERLS, individually
and as trustee,

Plaintiffs,

v.

Civil Action No. 03 CV 12213 EFH

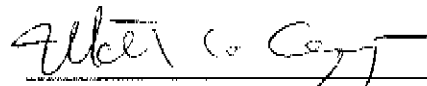
JAMES E. RURKA, MARK SKALETISKY,
PAUL J. MELLETT,
RICHARD ALDRICH,
KATE BINGHAM,
CHARLES W. NEWHALL III
DAVID SCHNELL, and
JOHN P. WALKER,

Defendants.

DEFENDANTS' CERTIFICATION UNDER LOCAL RULE 16.1(D)(3)

Defendants and undersigned counsel for defendants certify that they have conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of this litigation and have conferred to consider the resolution of this litigation through the use of alternative dispute resolutions programs such as those outlined in Local Rule 16.4.

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David Schnell

John P. Walker

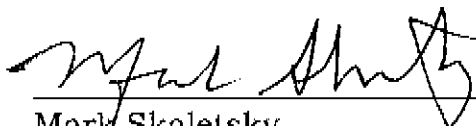
Dated: May 4, 2004

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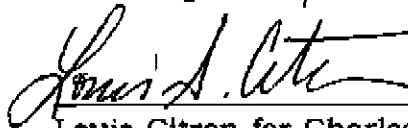
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